

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/736,474 Confirmation No. 3478
Applicant : Michael P. DeGeorge, et al.
Filed : 12/15/2003
Title : COMPUTERIZED SYSTEM AND METHOD FOR IDENTIFYING
AND STORING TIME ZONE INFORMATION IN A HEALTHCARE
ENVIRONMENT
Group Art Unit : 3686
Examiner : Teresa S. Woods
Docket No. : CRNL109894
Customer No. : 46169

VIA EFS – February 24, 2011

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests review of the rejections in the above-identified application. No amendments are filed with this request. This request is filed with a Notice of Appeal. The review is requested for the reasons set forth in the Remarks that begin immediately below.

REMARKS**Status of the Claims**

Claims 1-6, 8-12, 15-16, 18-35, 42, and 44-53 are pending herein and have been at least twice rejected. All claims 1-6, 8-12, 15-16, 18-35, 42, and 44-53 were rejected under 35 U.S.C. § 103(a) as being unpatentable as follows: claims 1-6, 8-12, 15, 20, 24, 26-24, 44, 50, and 52-53 over U.S. Publication No. 2004/0133390 to Osorio in view of U.S. Patent No. 5,999,493 to Olson; claims 16, 18, 22-23, 42, 47, and 51 over Osorio in view of Olson in view of U.S. Publication No. 2005/0002483 to Wilcox; claims 19, 21, 35, and 45 over Osorio in view of Olson in view of U.S. Publication No. 2004/0102931 to Ellis; claims 46 and 49 over Osorio in view of Wilcox; claim 25 over Osorio in view of Olson in view of U.S. Publication No.

2003/0065653 to Overton; and claim 48 over Osorio in view of Wilcox in view of Overton. The following remarks illustrate that the rejections of record are clearly not proper and are without basis. As such, claims 1-6, 8-12, 15-16, 18-35, 42, and 44-53 are believed to be in condition for allowance, and such favorable action is respectfully requested.

Legal and Factual Deficiencies

Applicants respectfully submit that the Office's *prima facie* case of obviousness contains clear error because the combinations of Osorio, Olson, Wilcox, Ellis, and Overton do not teach or suggest each and every feature of independent claims 1, 16, 18, 23, 26, 42, 44, 46, and 49-53. In particular, the references at least fail to teach or suggest determining a time zone source rule that applies to healthcare information for a patient based at least partially on a type of the healthcare information. The references also fail to teach or suggest utilizing the time zone source rule to determine a time zone for the time and date associated with the healthcare information.

By way of background, embodiments of the invention are directed to documenting and displaying time zone information for healthcare information. A time zone is associated with the healthcare information by applying a particular time zone source rule based on a type of the healthcare information, e.g. information related to a patient's vital signs might be associated with the time zone of the patient's location while information related to a lab test conducted at a distant location might be associated with the time zone of the laboratory's location. As such, time zone information associated with the healthcare information is preserved and the healthcare information can be presented with time and date data reflecting the time and date in the associated time zone.

The pending claims include independent claims 1, 16, 18, 23, 26, 42, 44, 46, and 49-53. Each of the independent claims recites features directed to determining a time zone source rule that applies to the healthcare information based, at least partially, on a type of the healthcare information and utilizing the time zone source rule to determine a time zone that is associated with the time and date.

Osorio clearly fails to describe such features. Osorio is directed to synchronization of a plurality of clocks in a medical device system that provides treatment for nervous system disorders. The synchronization of the clock may take into account a time zone of the location in which the clock is located. Osorio does not describe determining a time zone source rule that applies to the healthcare information and does not describe basing such a determination, at least partially, on a type of the healthcare information. Osorio does not describe rules for determining a time zone to be applied to healthcare information other than merely using the time zone of the location of a clock for synchronizing the clock. The time zone is used to synchronize the clock not as a data element to be associated and stored with healthcare information.

As described by Applicants Specification a time zone source rule indicates a time zone that is to be applied to the healthcare information; the time zone may or may not be the location of the patient. The time zone source rules include a patient's time zone rule, a user's time zone rule, a user-entered time zone rule, and a system's time zone rule. The patient's time zone rule applies at least to a type of healthcare information that includes results of clinical events associated with the patient; the user's time zone rule applies at least to a type of healthcare information that includes data produced by an interaction between a user and a healthcare information system; the user-entered time zone rule applies at least to a type of

healthcare information that includes data for which a time zone basis cannot be assumed; and the system's time zone rule applies at least to a type of healthcare information that includes data associated with processing of the healthcare information by the healthcare information system. Osorio does not describe such rules, types of healthcare information, or identifying a time zone that applies to healthcare information based on the type of the information.

Applicants submit that Olson fails to cure the deficiencies of Osorio. Olson discloses using a radio broadcast of Coordinated Universal Time (UTC) to synchronize clocks contained in an automated external defibrillator (AED) device and in a computer system for processing 911 calls such that response times of emergency response personnel may be accurately calculated. Olson does not describe determining a time zone source rule that applies to the healthcare information based, at least partially on the type of the information or utilizing such a rule to determine a time zone for healthcare information.

Applicants also submit that Osorio and Olson are not analogous art with respect to Applicants' claims. Osorio and Olson are directed to devices and synchronizing clocks on such devices. In contrast, Applicants' claims are not dependent on the sources of date and time information being synchronized. The synchronization of such sources is *irrelevant* to determining a time zone source rule for healthcare information and storing the healthcare information with the time zone data.

Applicants respectfully submit that Wilcox fails to cure the deficiencies of Osorio and Olson. Wilcox describes paring a medical imaging facility with a radiologist in a disparate time zone such that radiologic images taken at the hospital during the nighttime hours thereof are analyzed by the radiologist during her daytime hours. Wilcox does not teach or suggest

determining a time zone source rule that applies to the healthcare information based, at least partially, on a *type of the healthcare information* or utilizing such a rule.

Applicants respectfully submit that Ellis and Overton fail to cure the deficiencies of Osorio, Olson, and Wilcox described above. Neither Ellis nor Overton teach or suggest determining a time zone source rule that applies to healthcare information based at least partially on a type of the healthcare information or utilizing such a rule.

Accordingly, the Office's *prima facie* case of obviousness against independent claims 1, 16, 18, 23, 26, 42, 44, 46, and 49-53 contains clear error at least because the combinations of references do not teach or suggest determining a time zone source rule that applies to healthcare information based at least partially on a type of the healthcare information or utilizing the time zone source rule to determine a time zone that is associated with the time and date, as recited by the claims. Accordingly, for at least the reasons stated above, claims 1-6, 8-12, 15-16, 18-35, 42, and 44-53 are in condition for allowance. Claims 2-6, 8-12, 15, 19-22, 24-25, 27-35, 45, and 47-48 are believed to be allowable at least by virtue of their dependency on one of independent claims 1, 18, 23, 26, 44, and 46. Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 1-6, 8-12, 15-16, 18-35, 42, and 44-53.

Submitted herewith is a Notice of Appeal and electronic payment of the appropriate fee. It is believed that no additional fee is due, however, if this belief is in error, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112, referencing attorney docket number CRNI.109894.

Respectfully submitted,

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